

REMARKS

Reconsideration of this application, in view of the foregoing amendment and the following remarks, is respectfully requested.

Claims 187-221 were presented for consideration in this divisional application by preliminary amendment. No claims have been canceled or added. Accordingly, claims 187-221 are currently pending in this application.

The examiner's indication that claims 190, 191, 195, 206 and 209-221 contain allowable subject matter is noted with appreciation.

Claims 187-189, 192-194, 196-205, 207 and 208 stand rejected under 35 USC §102(e) as being anticipated by U.S. Patent No. 5,799,733 to Ringgenberg, et al. The undersigned attorney for the applicants wishes to express his appreciation for the courtesy of an interview with the examiner to discuss these rejections (and similar rejections in copending divisional application ser. no. 10/762,594) on September 15, 2005. In that interview it was decided that it would be desirable to clarify the term "zone" as it is used in independent claim 187.

Accordingly, claim 187 has been amended above to make it clear that the second zone is not just any region or area into which the formation fluid is pumped. Instead, the formation fluid is pumped into the second zone external to the wellbore. Thus, the second zone is intersected by the wellbore and the formation fluid is pumped into at least a portion of the second zone which is external to the wellbore.

In contrast, the Ringgenberg reference describes only flowing formation fluid into a tubular string to the surface, or flowing formation fluid into an annulus to the surface. Claim 187 is therefore not anticipated by the Ringgenberg reference, and the

examiner is respectfully requested to withdraw the rejections of claim 187 and its dependents.

In compliance with the requirements of 37 CFR §1.116, the above amendment to claim 187 does not raise new issues, but does place the claims in better condition for consideration on appeal. A new issue is not raised, since the issue of a lack of disclosure in the Ringgenberg reference of flowing formation fluid from a first zone into a second zone intersected by the wellbore, and the proper interpretation of the term "zone" was raised previously in the Amendment filed in response to the January 31, 2005 Office Action (please see pages 8 and 9 of the Amendment). The above amendment to claim 187 places the claims in better form for consideration on appeal, since it eliminates any need to consider this issue on appeal.

In view of the foregoing amendment and remarks, all of the claims pending in this application are now seen to be in a condition for allowance. A Notice of Allowance of claims 187-221 is therefore earnestly solicited.

The examiner is hereby requested to telephone the undersigned attorney of record at (972) 516-0030 if such would expedite the prosecution of the application.

Respectfully submitted,

KONNEKER & SMITH, P.C.

A handwritten signature in black ink, appearing to read "Marlin R. Smith". The signature is fluid and cursive, with the first name "Marlin" being more prominent.

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Dated: October 6, 2005

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